

Mao Declaration

Exhibit 51

Redacted Version of Document
Sought to Be Sealed

GOOG-BRWN-00182492

Message

From: Mardini [mardini@google.com]
Sent: 11/6/2019 3:58:18 PM
To: Ramin Halavati [rhalavati@google.com]
CC: Florian Uunk [feuunk@google.com]; Sabine Borsay [sabineb@google.com]; Yuan Chen [yuanchen@google.com]; Christian Dullweber [dullweber@google.com]
Subject: Re: Edge and InPrivate Mode + Balanced Protection

Ramin: I agree with you.

FWIW, here is the coverage from tech crunch: <https://techcrunch.com/2019/11/04/microsofts-chromium-based-edge-browser-gets-new-privacy-features-will-be-generally-available-january-15/>
 Note that the MSFT spokesperson narrative is very similar to [REDACTED]

On Wed, Nov 6, 2019 at 8:53 AM Ramin Halavati <rhalavati@google.com> wrote:
 Can we still work on the plan to send the signal to Google to delete logs from Incognito browsing (at the end)? Even if the effect of it might not be very large from a technical point of view, from a psychological point of view it's much more reassuring to be able to say "You won't be logged" compared to "Your log cannot be used". If we do that, our possible reply to their assertion of "if you really want private browsing, use edge" would be better backed up.

On Tue, Nov 5, 2019 at 6:27 PM Mardini <mardini@google.com> wrote:

On Tue, Nov 5, 2019 at 5:22 PM Florian Uunk <feuunk@google.com> wrote:
 Thanks Mardini, that's really interesting, I'm curious to hear how the reaction will be!

From the video (around 5m30s), it looks like they are actually telling Bing up front (because there is a Private indicator in the search box on [bing.com](https://www.bing.com)).

I see. The way it was worded in the email ("when you close the window") made me believe it was upon closing the window but if the video shows they're telling it upfront then I stand corrected.

FWIW, this is what I sent Anil/Parisa/Margret:

- **Blocking signing-in while in Incognito:** We believe this breaks a lot of existing use cases we currently have. We're planning on adding a "sign-in awareness" step in incognito so that we show UI that would alert the user they are signing in into a site while in Incognito. Target: late Q1.
- **Sending signal to web properties to indicate user is in incognito to delete server-side logs:** We think sending a signal at the beginning of the session is not a tenable position and is against our privacy principles. We are talking with Sin Rastro about sending a signal at the end of the incognito session
- **Cookie tracking prevention by default:** We would love to be able to do that in regular mode but that is not currently possible. Worth noting that Edge are not blocking all 3P cookies but using the Disconnect Me list with specific trackers. Our control blocks *all* 3P cookies.

On Tue, Nov 5, 2019 at 4:58 PM Mardini <mardini@google.com> wrote:
 My highlights below.

We have sign-in awareness and ChromeGuard coming up. But also it seems Edge will send to Bing at the end of an incognito session to clean up.

On Mon, Nov 4, 2019 at 3:15 PM Lorena Crowley <lorenacrowley@google.com> wrote:
Hi team,

Day 1 of Microsoft Ignite wrapped today, where they kicked off the day with their Vision Keynote highlighting new releases and their vision for the enterprise across cloud, developer tools, security, and productivity. On a browser front they announced ***that today the release of the final beta version of the new Microsoft Edge built on Chromium code, and that the new Edge will be generally available on January 15th in more than 90 languages.*** Recording here.

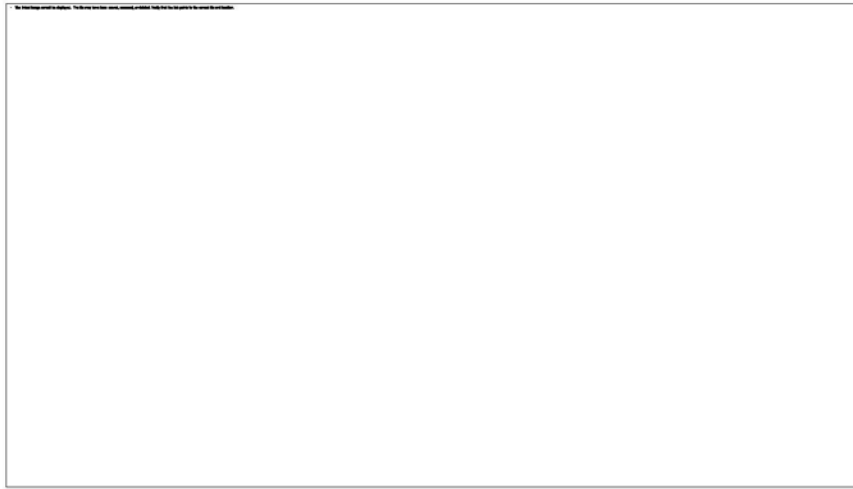
We'd like to share a recap of the key highlights that Microsoft announced in regards to the new Edge:

- **Branded themselves as the 'browser and search engine for the enterprise'.** Microsoft is branding Edge and their search engine, Bing, as uniting the internet with your enterprise's intranet so that you can access more important data and find what you're looking for within your enterprise in one single browsing and search experience. This will help save employees time by being able to more quickly find the corporate information they need from within their browser and search engine. AI capabilities make it easy for employees to search in natural language to find a team's title, name, office location, or to understand what a company acronym means. Microsoft Search in Bing can now also be accessed on your mobile device, bringing these productivity enhancements to knowledge workers on the go. Their new logo is meant to capture the 'waves of innovation' that the Edge team plans to bring to the enterprise. They hinted at the end of the keynote that more enhancements are to come for developers and consumers in Spring 2020.



- **Default private browsing and cookie tracking prevention.** In combination with Bing, the new InPrivate browsing mode will keep your online searches and identities private. Unlike Incognito mode in Chrome, InPrivate mode also prevents you from accidentally being logged in. Any information about your browsing session on your local machine when you close the window is deleted and your search history on Bing and any personally identifiable information will also not be saved or associated back to you. Cookie tracking prevention will also be on by default in their Balanced browsing mode, in which they claim their Balanced mode is more protective than any other browser. A key theme throughout all of the keynote, beyond just Edge, was that Microsoft was company you could trust built on best of class privacy, responsible AI, and security.

- **Integration with 100+ enterprise ecosystem partners.** They launched their Microsoft Graph connectors preview program today that will expand Microsoft Search's reach for Microsoft 365 customers to access over 100+ connectors such as Salesforce.com, ServiceNow, Box, and more that will become available in H1 2020.



• **Internet Explorer sites will still work, and if it doesn't, Microsoft will fix it free of charge.** If your sites work in Internet Explorer 11, Chrome, or the current version of Microsoft Edge, the App Assure program will ensure that they work in the new Edge. If the site is not working, Microsoft will help the organization fix it at no additional cost.

News Coverage of Microsoft Edge

- **Microsoft:** Introducing the new Microsoft Edge and Bing
- **Microsoft:** Getting your sites ready for the new Microsoft Edge
- **The Verge:** Microsoft's Edge Chromium browser will launch on January 15th with a new logo
- **Ghacks.net:** Microsoft plans to release the new Microsoft Edge on January 15th, 2020
- **Engadget:** Microsoft Chromium Edge browser arrives January 15th
- **Appleinsider:** Edge with Chromium for macOS lands Jan 15th with preview available
- **The Register:** Pencil 15 Jan 2020 in your diary: That's when Microsoft hope you'll be t the cutting Edge...Chromium style
- **Business Insider:** It looks like Microsoft is finally ditching Internet Explorer branding for good with a revamped logo that looks like a wave
- **Bleeping Computer:** First Microsoft Edge Stable Release Candidate Now Available
- **TechCrunch:** Microsoft's Chromium-based Edge browser gets new privacy features, will be generally available January 15
- **ZDNet:** Microsoft's Chromium-based Edge browser to be generally available January 15th, 2020
- **Cnet:** With Edge browser update, Microsoft says work searches will no longer suck
- **Axios:** Microsoft's Bing and browser pivot to the business

Enablement Resources

We shared a variety of resources last week to support Edge-related discussions with customers, so check them out [here](#).

Other Relevant Highlights

Some noteworthy items from sessions across today include:

- Microsoft Endpoint Manager was demoed in the productivity technical keynote. It offers a single view across Microsoft's different management tools today, and gives Microsoft System Center customers a free licence to Intune.
- Microsoft claims there modern managed devices (for Microsoft Managed Desktop customers and those using native Microsoft 365) can offer the following benefits:
 - 85% faster boot time
 - Immediate resume
 - Doubled battery life
 - 85% fewer crashes
- Security and manageability are coming together. In addition to tracking threats and showing risk and vulnerability scores, Microsoft tools will leverage AI to recommend which tasks IT should take to improve their security and compliance posture, all in the same console.

Raw notes from a variety of sessions on day one can be found [here](#). We'll continue to track announcements, communications, and coverage the remainder of the week at Ignite. If you have any questions, please feel free to reach out in the meantime.

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Lorena Crowley
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Product Marketing
Manager, Chrome Browser
for Enterprise

PRODBEG: GOOG-BRWN-00182492
PRODBEGATT:
PRODEND: GOOG-BRWN-00182495
PRODENDATT:
PRODVOL: PROD023
2nd_CROSS_BEGBATES:
2nd_CROSS_ENDBATES:
AllCustodians: AbdelKarim Mardini
TO: ramin halavati <rhalavati@google.com>
FROM: mardini <ardini@google.com>
CC: sabine borsay <sabineb@google.com>;florian uunk <feuunk@google.com>;christian dullweber <dullweber@google.com>;yuan chen <yuanchen@google.com>
>
BCC:
CONFIDENTIALITY: Confidential
CROSS_ALLCUSTODIANS: AbdelKarim Mardini
CROSS_ATTACHMENTNAME:
CROSS_BEGATTACH:
CROSS_BEGBATES: GOOG-CABR-00227155
CROSS_CC: sabine borsay <sabineb@google.com>;florian uunk <feuunk@google.com>;christian dullweber <dullweber@google.com>;yuan chen <yuanchen@google.com>
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CROSS_CUSTODIAN: AbdelKarim Mardini
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CROSS_DATERECEIVED: 11/06/2019
CROSS_DATESENT: 11/06/2019
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CROSS_ENDATTACH:
CROSS_ENDBATES: GOOG-CABR-00227158
CROSS_FILEEXTENSION: eml
CROSS_FILENAME:
CROSS_FROM: mardini <ardini@google.com>
CROSS_MD5 HASH: 4444B36F8914F7531B86C82575C05735
CROSS_MESSAGE ID: <CAGQY0OcDs1UOcSU-rSqhM0eXPJZTZDdnfnfgciQ238SuyLa8FQ@mail.gmail.com>
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CROSS_PRODVAL: CROSS-PROD002
CROSS_REDACTED: N
CROSS_SUBJECT: Re: Edge and InPrivate Mode + Balanced Protection
CROSS_TITLE: Re: Edge and InPrivate Mode + Balanced Protection
CROSS_TO: ramin halavati <rhalavati@google.com>
CUSTODIAN/SOURCE: AbdelKarim Mardini
DATECREATED:
DATELASTMOD: 11/06/2019
DATERCVD:
DATESENT:
DeDupedCustodians:
DOEXT:
FILENAME:
ILS_ProdDate: 06/18/2021
CROSS_ILS_ProdDate: 09/01/2021
MD5 HASH: 4444B36F8914F7531B86C82575C05735

MessageID:
NATIVEFILE:
Owner: mardini
PAGES:
REDACTED: N
SUBJECT: Re: Edge and InPrivate Mode + Balanced Protection

Mao Declaration

Exhibit 53

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McClelland Deposition Transcript

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

- - - - - x

CHASOM BROWN; MARIA NGUYEN; WILLIAM
BYATT; JEREMY DAVIS; and CHRISTOPHER
CASTILLO, individually and on behalf
of all other similarly situated,

Plaintiffs,

No. 5:20-cv-03664-LHK

-against-

GOOGLE LLC,

Defendant.

- - - - - x

Zoom video conference deposition of
RORY McCLELLAND, taken pursuant to
notice, was held remotely, commencing
February 18, 2022, 5:30 a.m. Eastern
Standard Time, before Leslie Fagin, a
Stenographic Court Reporter and Notary
Public in the State of New York.

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A P P E A R A N C E S:

(All Parties Present Via Zoom.)

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BY: BENJAMIN L. BAILEY, ESQUIRE

ELLIOTT MCGRAW, ESQUIRE

ALSO PRESENT:

LESLEY WEAVER, ESQUIRE

BLEICHMAR FONTI

For the Calhoun Plaintiffs

VANESSA WHEELER, Exhibit Tech

Magna Legal Services

1 R. McClelland

2 case.

3 Can you state your full name for
4 the record?

5 A. My full name is Rory James
6 McClelland.

7 Q. Before we begin, where are you
8 located presently?

9 A. I'm in London, United Kingdom.

10 Q. Where exactly in London?

11 A. In the Boies Schiller office. The
12 address is No. 5 New Street Square.

13 Q. Is there anybody in the room with
14 you today?

15 A. No, there is not.

16 Q. Mr. McClelland, have you ever
17 testified under oath before?

18 A. No, I haven't.

19 Q. Do you understand that you are
20 under the same oath today as if you were in a
21 courtroom?

22 A. I do.

23 Q. I'm going to assume that you
24 understand the questions that I ask you,
25 unless you tell me that you don't understand

1 R. McClelland

2 them, is that fair?

3 A. I understand, yes.

4 Q. Is there anything that would
5 prevent you from testifying truthfully today?

6 A. No, there is nothing.

7 Q. If at any time you need to take a
8 break during the deposition, will you let me
9 know?

10 A. I will.

11 Q. Do you have an undergraduate
12 degree?

13 A. I do, yes.

14 Q. What did you study?

15 A. Electronic and computer
16 engineering.

17 Q. Where did you earn your
18 undergraduate degree?

19 A. At the University of Birmingham.

20 Q. When did you graduate from the
21 University of Birmingham?

22 A. September 2001.

23 Q. Do you have a graduate degree?

24 A. I do. I have a master's in
25 computer science from the same university.

1 R. McClelland
2 router, your ISP, potentially an authority,
3 like a school or an employer. There then
4 typically are government entities involved,
5 as well, and various backbone-type internet
6 providers that provide and facilitate the
7 working of the internet as a whole and that
8 covers that middle section.

9 Q. Can you walk me through the third
10 icon that says Google?

11 A. Certainly. So Google, amongst
12 other website and web applications, are web
13 servers available for users to access using
14 their browsers.

15 Google is one of many Incognito
16 mode doesn't differentiate between Google and
17 third parties.

18 One of the promises that Incognito
19 mode makes the user is that the web server is
20 unaware of your Incognito intent, so,
21 therefore, by extension, Google and third
22 parties cannot be aware of the fact that you
23 are in Incognito mode and cannot change their
24 behavior accordingly.

25 Q. What do you mean by, you are not

1 R. McClelland

2 protected from Google?

3 A. The use of Incognito mode does not
4 afford you any additional protections from
5 Google or third parties when using the
6 internet.

7 Q. What kind of protections are you
8 referring to?

9 A. For example, there is no change to
10 tracking behavior, there is no change to
11 server logging or server log retention policy
12 because the server is not aware you are in
13 Incognito mode. It just treats you as if you
14 were a new user. There is no special
15 treatments on the web server for Incognito
16 users.

17 Q. What do you mean by tracking?

18 A. On the internet, there are various
19 tracking technologies employed to measure the
20 performance of advertising. Google has its
21 own ad tech division, product area team, so
22 because they cannot be aware of the Incognito
23 intent, they cannot behave differently for an
24 Incognito user versus a regular mode user.

25 Q. By that, by they cannot behave

1 R. McClelland
2 differently, do you mean that Google does not
3 stop tracking users who are in Incognito
4 mode?

5 MS. CRAWFORD: Objection.

6 A. That is right. The tracking
7 continues, albeit in an isolated session, so
8 the user has Incognito mode affords the user
9 segmentation of their tracking, their
10 browsing activity and tracking, so that any
11 browsing activity or searches undertaken in
12 Incognito mode are not associated with their
13 primary browsing activity, but the tracking
14 does continue, yes, it is session-based
15 tracking, the tracking continues for the
16 duration of the Incognito session.

17 At the end of the Incognito
18 session, locally everything is deleted from
19 the user's computer, but the web server,
20 because it didn't know it has an Incognito
21 user, has no way of knowing that that user
22 cannot ever come back again, but that user
23 will never be seen again from the web
24 server's point of view.

25 Q. Earlier, you testified there is no

1 R. McClelland

2 change to server logging or server log
3 retention policy.

4 Do you recall that?

5 A. I do, yes.

6 Q. What did you mean by server
7 logging?

8 A. Most servers, Google or otherwise,
9 when you visit their website, records certain
10 data around that visit. Typically, the IP
11 address, the time and date, the pages you
12 visit, amongst many other things.

13 That happens in regular mode
14 browsing, as well as in Incognito mode
15 because the web server is not aware of the
16 user being in Incognito mode, it cannot treat
17 that user in any different way, so,
18 therefore, logging happens as usual.

19 Q. What did you mean by server log
20 retention?

21 A. Server log retention refers to how
22 long logs are kept on the server before they
23 are deleted.

24 Q. Is it correct to say that this icon
25 was meant to convey that users who are in

1 R. McClelland

2 Incognito mode are not protected from
3 Google's server logging?

4 MS. CRAWFORD: Objection.

5 A. Yes, basically, that is right. The
6 intent was broader than just Google, but it's
7 important to communicate to the user that
8 it's all web services.

9 Q. Do you recall the study we looked
10 at earlier that said disclosures to be
11 difficult to ignore in order to clear up
12 misconceptions?

13 MS. CRAWFORD: Objection, misstates
14 the document.

15 A. I do, yes.

16 Q. Is this proposal for the use of
17 iconography to show the limits of Incognito
18 protection, an effort to create a disclosure
19 that is difficult to ignore, to clear up
20 misconceptions about Incognito mode?

21 MS. CRAWFORD: Objection, insofar
22 as you're misquoting the document or
23 mischaracterizing the witness'
24 testimony.

25 Q. You can answer.

1 R. McClelland

2 A. It is intended to present it in a
3 format that is more accessible to a broader
4 audience, but not to change the fundamental
5 message.

6 Q. What you do you mean by more
7 accessible?

8 A. It is intent to simplify the
9 language use and to use imagery in lieu of
10 text, so that it could be understood by a
11 broader range of users.

12 Q. This proposal sought to address the
13 misconception that Incognito mode hides
14 browsing history from Google?

15 MS. CRAWFORD: Objection.

16 A. That is right. It is intended to
17 help a broader range of users understand that
18 limitation.

19 Q. Did Google ever implement this
20 proposal for the use of iconography to show
21 Chrome Incognito users that they are not
22 protected from Google when in Chrome
23 Incognito mode in certain instances?

24 MS. CRAWFORD: Objection, misstates
25 the witness' testimony, calls for

1 R. McClelland

2 speculation.

3 A. The change was never implemented
4 during my tenure at Google and I don't
5 believe any changes have happened since
6 either.

7 Q. Can you identify anyone at Google
8 who supported this Incognito change to inform
9 users they are not protected from Google?

10 MS. CRAWFORD: Objection.

11 A. Yes, I could. There are many
12 people who would have supported this.

13 Q. Please name them.

14 A. The first name that comes to mind
15 is the engineering lead for the Incognito
16 team, Ramin Halavati from memory, I struggle
17 slightly.

18 Q. Anyone else?

19 A. Martin Sramek. Again, a lead
20 engineer on a different team privacy team,
21 Chrome browser privacy team.

22 Any member of the privacy
23 engineering teams would have supported this
24 site. I don't remember there being any
25 dissent on this particular topic.

1 R. McClelland

2 A. I see it.

3 Q. Google counsel has represented that
4 this document is the hyperlink in a document
5 called Chrome Sin Rastro one-pager. We will
6 review that exhibit later. I just want to
7 make that representation to you.

8 Please take a moment to look at the
9 document.

10 MS. CRAWFORD: Does the witness
11 have the ability to manipulate this
12 document on his own?

13 I ask because, obviously, this is a
14 multipage document, unlike the prior
15 exhibits we were reviewing, and so it
16 may be helpful for him to, as he's
17 reviewing it, control and scroll at his
18 discretion.

19 MS. BAEZA: Thanks, Jomaire.

20 Q. Mr. McClelland, you can -- if you
21 go to the exhibit share link, you are able to
22 see the document and control it yourself.

23 A. The exhibit share link is in the
24 Chat, is it?

25 Q. I don't think it's in the Chat. I

1 R. McClelland

2 A. The do not track header signal.

3 Q. It says, Given all the scrutiny at
4 the moment, it would be a really good privacy
5 story. Ruling out [REDACTED] changes whilst
6 continuing to ignore an explicit user
7 statement as the DNT header is really giving
8 mixed messages to both users and the press.
9 If we really are serious about respecting
10 users' choices, then respecting this flag
11 seems a bare minimum.

12 Do you see that?

13 A. I do, yes.

14 Q. Was the conversation that you
15 wanted to reopen, a conversation about Google
16 respecting the DNT header?

17 A. That is right.

18 Q. Can you explain in more detail that
19 conversation?

20 MS. CRAWFORD: Objection, vague and
21 overbroad.

22 A. It's a long conversation that
23 predates my time at Google. The do not track
24 setting header was naive. All browsers added
25 it and it relied up the web server Google or

1 R. McClelland

2 otherwise to observe and honor that user's
3 request.

4 Very rapidly, I can't give more
5 precise than that, but, pretty quickly, it
6 transpired that most ad tech companies were
7 not observing that, were not honoring that
8 user request and were just ignoring it.

9 Then -- and I'm not entirely sure
10 of the timelines. As I said, it was prior to
11 my time at Google and prior to me becoming a
12 specialist in this, but at some point in
13 time, Microsoft made the decision that they
14 would send do not track through for every
15 single user, at which point the value of that
16 header was negated in that it was no longer
17 an assertive expression from the user. It
18 was one that Microsoft had determined for
19 them. It also meant that there was a large
20 proportion of the web sending this signal,
21 which would have had revenue impacts for all
22 ad tech companies.

23 My understanding of how that story
24 played out, and, again, this is prior to my
25 time, was that Google observed that signal

1 R. McClelland
2 for a while through ads, observed that signal
3 for a while, but it got to a point where they
4 were -- they perceived they were at a
5 competitive disadvantage compared to the
6 competition and at that point in time, a
7 decision was made to no longer observe it.
8 The conversation here was, should we revisit
9 that decision.

10 To be clear though, all of this is
11 prior to my time and it is information that I
12 have gained through having conversations with
13 other people, rather than being first party.

14 Q. Do you have an idea, more or less,
15 of when Google began having conversations
16 about whether to respect the DNT header?

17 MS. CRAWFORD: Objection, calls for
18 speculation.

19 A. I don't know, but my understanding
20 was that initially, it was respected, so from
21 the beginning, it was respected and then, at
22 a point in time, they decided not to.

23 Q. What do you mean by, decided not to
24 respect it?

25 A. They would no longer honor that

1 R. McClelland

2 intent of the user, they would ignore the
3 signal.

4 Q. What does it mean for Google to
5 ignore the signal?

6 A. I don't know the specifics of what
7 that would mean, but it would mean that a
8 user who was signaling do not track true,
9 would be treated the same as a user who was
10 signaling do not track false.

11 Q. Can you explain to me the
12 difference between a do not track signal
13 that's true and a do not track false?

14 A. I can. True means that the user
15 has ticked the check box saying, do not
16 track, and false would be where the user has
17 not ticked the check box, do not track.

18 Q. So if a user checks the do not
19 track true, Google made a decision not to
20 honor that signal?

21 A. That is my understanding.

22 MS. CRAWFORD: Objection, misstates
23 the witness' testimony, calls for
24 speculation, vague and overbroad as to
25 time.

1 R. McClelland

2 Q. Why do you think that reopening the
3 conversation about the do not track header
4 was a non-starter?

5 MS. CRAWFORD: Objection, misstates
6 the witness' testimony and
7 mischaracterizes the document.

8 A. It wasn't my opinion that it was a
9 non-starter. I was being informed other
10 people thought it to be a non-starter,
11 speculation, but I think it was because
12 Microsoft was sending it for all users,
13 regardless of their desire, thus devaluing it
14 as a user statement. It was more indicative
15 of a browser choice than a user preference.

16 Q. Do you know who had the opinion
17 that it was a non-starter?

18 A. No, I don't, sorry.

19 Q. When you say that Microsoft was
20 sending it for all users, regardless of their
21 desire, does that mean that Microsoft was
22 honoring -- strike that.

23 When you said that Microsoft was
24 sending it for all users, regardless of their
25 desire, does that mean that Microsoft was

1 R. McClelland

2 sending a do not track true signal for
3 everybody by default?

4 A. That is right.

5 Q. So Microsoft, by default, was not
6 tracking users?

7 A. I don't know. That is a different
8 question. Whether Microsoft was observing it
9 or not, I don't know.

10 The intent there is that
11 Microsoft's Internet Explorer, in those days,
12 was sending it by default, whether Microsoft
13 observed it on the server side, I don't know.

14 Q. Google was not sending the signals
15 by default, is that fair?

16 A. Correct, it was off by default in
17 Google Chrome.

18 Q. Even if a user opted to send the
19 signal as do not track true, Google was not
20 honoring that signal, correct?

21 MS. CRAWFORD: Objection, misstates
22 the witness' testimony, vague and
23 overbroad.

24 A. My understanding, from what I
25 learned from other people, was that

1 R. McClelland

2 initially, Google was respecting that, but at
3 a point in time, that decision was reverted
4 and from then on, they no longer were.

5 Q. During your time at Google, was
6 Google respecting do not track signals that
7 were true?

8 A. I don't know when the change was
9 made. I don't know if that was during my
10 tenure or prior to it, but at some point
11 during my tenure, they were not respecting
12 it.

13 Q. Do you know why Google closed the
14 conversation it was having about the do not
15 track pattern?

16 A. I don't know why. Again, I think
17 that was prior to my time.

18 Q. You mentioned that there may have
19 been anti-competitive issues.

20 What were you referring to?

21 MS. CRAWFORD: Objection, and going
22 to caution the witness not to reveal any
23 information reflecting conversations
24 from or information obtained from
25 speaking with counsel or other Google

1 R. McClelland

2 in-house counsel.

3 A. Can you direct me to the phrase you
4 are referring to, please?

5 Q. Earlier, you mentioned something
6 about competition issues with the do not
7 track pattern.

8 Do you recall that?

9 A. I do. I know what you are
10 referring to, yes.

11 Q. What did you mean by that?

12 A. The Google -- my understanding was
13 that the Google Ads team were happy to
14 observe that signal whilst the majority of
15 their competition were doing the same, but it
16 had got to a point where they were being put
17 in, in their own eyes, at a competitive
18 disadvantage by being the only ones who did
19 observe it and that was their motivation for
20 reverting. Again, what I heard through other
21 people, not first party conversations.

22 Q. How would there be a competitive
23 disadvantage to observing the signal?

24 A. Revenue is made through tracking
25 users and, therefore, driving the ability to

1 R. McClelland

2 serve the targeted advertising without the
3 ability to target advertising to users. The
4 revenue per user is lower.

5 A user who requests not to be
6 tracked cannot be served targeted advertising
7 and, therefore, is a less valuable user to
8 the ad tech company.

9 Q. So honoring a do not track true
10 signal would have hurt Google's revenues?

11 MS. CRAWFORD: Objection, insofar
12 as that calls for speculation.

13 A. That is my understanding, yes.

14 Q. Where it says, Rolling out
15 [REDACTED] changes while continuing to ignore
16 an explicit user statement as a DNT header is
17 really giving mixed messages to both users
18 and the press.

19 Do you see that?

20 A. I do, yes.

21 Q. What did you mean by ignore
22 explicit user statement as a DNT?

23 A. Do not track within Chrome is a
24 option the user has to manually enable, so to
25 that extent, it is an explicit desire from

1 R. McClelland

2 the user, the desire not to be tracked.

3 Q. So Google was ignoring an explicit
4 user statement?

5 MS. CRAWFORD: Objection. Sorry,
6 go ahead, Rosie.

7 Q. So Google was ignoring user
8 requests that were explicit to honor a do not
9 track true signal?

10 MS. CRAWFORD: Objection, misstates
11 the document.

12 A. Whether that signal was coming from
13 a Chrome browser, Google was not observing
14 it. Where it were coming from an internet
15 Explorer, it could be argued it was not an
16 explicit user statement.

17 Q. How is rolling out [REDACTED]
18 changes while ignoring the DNT header
19 creating a mixed message to users?

20 A. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 R. McClelland

2 A. I'm not familiar enough with the
3 intricacies of GDPR to really have a strong
4 view on that.

5 MS. BAEZA: We can take this
6 exhibit down.

7 Q. Next I'm going to mark exhibit 17
8 this is a document containing messages
9 produced by Google, production No.
10 GOOG-CABR-00799341.

11 Please take a moment to review the
12 document.

13 (Exhibit 17, document bearing Bates
14 stamp No. GOOG-CABR-00799341, marked for
15 identification.)

16 A. I have reviewed it. Thank you.

17 Q. Do you see the message at the
18 bottom from M. Sramek?

19 A. I do, yes.

20 Q. I'm looking at the message from M.
21 Sramek with a time stamp of 165026. It
22 starts with, There should be.

23 A. I see it. I can read it without
24 the zoom in.

25 Q. Who is MGalonsky?

1 R. McClelland

2 A. It's Melissa. She is a software
3 engineer on the Chrome privacy team.

4 Q. Her last name is Galonsky?

5 A. Yes, that's right.

6 Q. Do you see it says, There should be
7 separate Zwieback cookies between Incognito
8 sessions, but they could be joinable on a
9 technical level?

10 A. I see it, yes.

11 Q. If you know, how can separate
12 Zwieback cookies between Incognito sessions
13 be joinable?

14 MS. CRAWFORD: Objection, insofar
15 as the question calls for speculation.

16 A. It could be joinable by looking at
17 information in the cookie, for example, the
18 IP address. If there is enough information,
19 similar conversations to fingerprinting this
20 morning. If there is sufficient information,
21 then they become joinable, if you wanted to
22 do so.

23 Q. Could it be joinable by Google?

24 A. Google or anyone else.

25 MS. BAEZA: We can take this

1 R. McClelland

2 exhibit down and I will go back to

3 Exhibit 15 because I have time.

4 Q. Exhibit 15 is an email produced by
5 Google with production Nos.

6 GOOG-CABR-05256755 through page ending in
7 760.

8 Please let me know when you have
9 that in front of you.

10 (Exhibit 15, documents bearing
11 Bates stamp No. GOOG-CABR-05256755
12 through GOOG-CABR-05256760, marked for
13 identification.)

14 A. Can you repeat the page number
15 again, please?

16 Q. I am focusing on the page ending in
17 758. If you would like to go a little higher
18 and to read the email starting with -- the
19 email from Mark Pearson to get more context,
20 please go ahead and do so.

21 A. Thank you.

22 MS. CRAWFORD: Is that the page
23 ending in 759?

24 Q. However you want to proceed, Mr.
25 McClelland.

1 R. McClelland

2 A. I'm reading from the M. Pearson
3 email on 755 now.

4 Okay. I have the general gist.

5 Q. Please go to the page ending in
6 758. You will see it's an email from you,
7 starts at the bottom of page. It says,
8 Thanks, Mark.

9 A. Yeah, I see it.

10 Q. If you go to the next page, it
11 says, I'd also point out, we already consider
12 it possible for Google to join regular and
13 Incognito sessions, so the promise not to do
14 this is effectively already being applied.
15 The GWS ID's approach would just make this
16 easier and more reliable.

17 A. Uh-huh.

18 Q. Where it says the GWS ID's approach
19 would just make this easier and more
20 reliable, what were you referring to?

21 A. There was a desire to be able to
22 run experiments in Incognito mode and in
23 order for us to better understand what users
24 were using and to evaluate new features in
25 order to improve the product prior to this

1 R. McClelland

2 exchange, we were not able to do that within
3 Incognito mode for risk of making more
4 joinable with regular sessions, so we were
5 proposing different ways through which we
6 could run a limited number of experiments in
7 Incognito mode and what the right level of
8 balance was between our need as a product
9 team to understand usage of our feature with
10 respecting the privacy needs of users who
11 are, by definition, in an elevated state of
12 privacy in Incognito mode.

13 Q. Where it says, we already consider
14 it possible for Google to join regular and
15 Incognito sessions, who were you referring to
16 when you said, we?

17 A. The Google Chrome privacy team.

18 Q. Do you still agree with the
19 statement, it's possible for Google to join
20 regular and Incognito sessions?

21 MS. CRAWFORD: Objection.

22 A. As far as I know, assuming nothing
23 has changed, then, yes, it should still be
24 possible.

25 MS. BAEZA: Thank you. I have no

1 R. McClelland

2 more questions at this time.

3 Do you want to go off the record,

4 Jomaire.

5 THE EXHIBIT TECH: The time is

6 9:46. We are off the record.

7 (Off the record.)

8 THE EXHIBIT TECH: Recording has

9 resumed. The time is 10:07 a.m. and we

10 are back on the record.

11 EXAMINATION BY

12 MS. CRAWFORD:

13 Q. Good afternoon, Mr. McClelland.

14 I'm counsel for Google. I'm going to be
15 asking you a couple of questions following up
16 on the examination that was led by Ms. Baeza
17 for plaintiffs' counsel in the Brown action.

18 Do you recall when Ms. Baeza asked
19 you about your educational background and
20 employment history?

21 A. I do, yes.

22 Q. Did you hold any jobs -- have you
23 held any jobs that were not covered during
24 your discussion?

25 A. Yes, plenty.

CONFIDENTIAL

1 CERTIFICATE

2
3
4 I HEREBY CERTIFY that the foregoing proceedings
5 were duly sworn by me and that the proceedings are a
6 true record.

7 
8
9 Leslie Fagin,
10 Registered Professional Reporter
11 Dated:
12

13 (The foregoing certification of this transcript
14 does not apply to any reproduction of the same by any
15 means, unless under the direct control and/or
16 supervision of the certifying reporter.)
17
18
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25

Mao Declaration

Exhibit 54

Redacted Version of Document
Sought to Be Sealed

GOOG-BRWN-00409986

Message

From: Brian Rakowski [brakowski@google.com]
Sent: 7/17/2008 4:58:31 AM
To: chrome-team [chrome-team@google.com]
BCC: consumer-pteam@google.com; Jonathan Rosenberg [jonathan@google.com]
Subject: Chrome team meeting notes (7/15/08)

[bcc: consumer-pteam, jonathan]

Summary: We're entering the final bombing run for external beta. Visual changes will halt after this week so we can start the screenshot and localization process. Until we get to a final release candidate, we're not going to do much thinking about OKRs and future planning, but we did talk about our [REDACTED] integration plans.

Frontend status notes: [REDACTED]

Backend status notes: [REDACTED]

Welcome new team members

- Mike Pinkerton: working on Mac

Memory week wrap up

- Brett Wilson
- Anantha Iyengar
- Mike Belshe
- Erik Kay
- Pam Greene

Priorities

- Fix crashers, regressions, and other P1s
- P2s
- not OKRs

Plan for the next few weeks

- July 18: String and visual freeze
- July 22: GPS
- July 26: Branch for beta

[REDACTED]+Chrome

Q: What are the specific plans for integration?

A: Details are still to be determined, but the high-level goal is to have one team working on the web platform. Chrome frame is the mechanism for reflecting html5 into other browsers. Existing [REDACTED] APIs will work in all browsers.

Q: How will we get more work into webkit? Will we have to fork?

A: We want to avoid forking. We hope to work with Apple to modularize WebKit to allow us to plug in more capabilities more easily. This will be easier once Chrome has launched and we can talk openly.

Q: Will this make it harder to get broad penetration of [REDACTED] (Flash-like reach)?

A: Distribution is the key. We have a credible plan to get to [REDACTED] of Internet-connected computers. Developer adoption will be critical to getting the last [REDACTED]

Q: How will we package the binary for distribution?

A: Undecided. At a minimum, we want to share source code.

Q: This sounds like Silverlight with an HTML-y API.

A: Yes, except that it's standards-based and open source. Our hope is that it gives developers a way to route around browser vendors that are slow to implement new standards/capabilities.

Q: What will we do WRT WebKit's HTML5 changes on ToT?

A: We probably want to update to ToT but it will depend on discussions for Apple. Also, we can't have the WebKit trunk be unstable.

Q: Where did this idea come from?

A: HTML5 started doing stuff that [REDACTED] was doing. We are uncomfortable with the duplicated effort and with giving developers two ways to do the same thing. We didn't act at first because [REDACTED] needed to focus on supporting teams using offline and Chrome needed to focus on launching.

Tech talk: Chrome usability (Rick Boardman)

- Longitudinal study: starting interview, survey, closing interview two weeks later
- We saw lots of fixes since early May: Bookmarks, importing, downloads discoverability, welcome page, manage search engines, home page
- Users reported that they weren't sure that Chrome was compelling enough to switch: need to help showcase the benefits (and add more killer features!)
- Omnibox takes some acclimation, new tab page seemed broken before it was populated
- New Tab page was seen as interesting/novel, but users wanted more control over it (customizability, distractions, privacy, perception of inappropriate stuff appearing)
- Users were disoriented when they didn't have a home button by default
- People didn't understand Incognito. Does it keep sites from logging stuff on their servers?
- More research coming after launch! If you have things you'd like to test, just ask

PRODBEG: GOOG-BRWN-00409986
PRODBEGATT:
PRODEND: GOOG-BRWN-00409987
PRODENDATT:
PRODVOL: PROD028
2nd_CROSS_BEGBATES:
2nd_CROSS_ENDBATES:
AllCustodians: Brian Rakowski
TO: chrome-team <chrome-team@google.com>
FROM: "brian rakowski" <brakowski@google.com>
CC:
BCC: "jonathan rosenberg" <jonathan@google.com>;consumer-pteam@google.com
CONFIDENTIALITY: Confidential
CROSS_ALLCUSTODIANS:
CROSS_ATTACHMENTNAME:
CROSS_BEGATTACH:
CROSS_BEGBATES:
CROSS_CC:
CROSS_CONFIDENTIALITY:
CROSS_CUSTODIAN:
CROSS_DATECREATED:
CROSS_DATEMOD:
CROSS_DATERECEIVED:
CROSS_DATESENT:
CROSS_DE-DUPED CUSTODIANS:
CROSS_ENDATTACH:
CROSS_ENDBATES:
CROSS_FILEEXTENSION:
CROSS_FILENAME:
CROSS_FROM:
CROSS_MD5 HASH:
CROSS_MESSAGE ID:
CROSS_OWNER:
CROSS_PRODVAL:
CROSS_REDACTED:
CROSS_SUBJECT:
CROSS_TITLE:
CROSS_TO:
CUSTODIAN/SOURCE: Brian Rakowski
DATECREATED:
DATELASTMOD: 07/17/2008
DATERCVD:
DATESENT:
DeDupedCustodians:
DOEXT:
FILENAME:
ILS_ProdDate: 07/02/2021
CROSS_ILS_ProdDate:
MD5 HASH: 6E3848E98D08ABB5756F5D406BCD2250
MessageID:
NATIVEFILE:
Owner: brakowski
PAGES:
REDACTED: N
SUBJECT: Chrome team meeting notes (7/15/08)

Mao Declaration

Exhibit 55

Sealed Entirely

GOOG-BRWN-00477510

Mao Declaration

Exhibit 56

Redacted Version of Document
Sought to Be Sealed

GOOG-CABR-05126022

Message

From: Jochen Eisinger [eisinger@google.com]
Sent: 3/22/2019 7:42:29 AM
To: Mike West [mkwst@google.com]; AbdelKarim Mardini [mardini@google.com]
CC: Alex Nicolaou [anicolao@google.com]; Michael Kleber [kleber@google.com]; Rick Byers [rbyers@google.com]; Rory McClelland [rorymcclelland@google.com]; Vivek Sekhar [vsekhar@google.com]
Subject: Re: Follow up from Sundar meeting

+AbdelKarim Mardini

On Fri, Mar 22, 2019 at 6:13 AM Mike West <mkwst@google.com> wrote:
 +Jochen, Rory

On Fri 22. Mar 2019 at 05:59, Alex Nicolaou <anicolao@google.com> wrote:
 Ads Team summary.

----- Forwarded message -----

From: Ben Galbraith <bgalbs@google.com>
Date: Thu, Mar 21, 2019 at 4:33 PM
Subject: Fwd: Follow up from Sundar meeting
To: Jack Chen <jlchen@google.com>, Darin Fisher <darin@google.com>, Parisa Tabriz <parisa@google.com>, Margret Schmidt <margrets@google.com>, Alex Nicolaou <anicolao@google.com>, Vivek Sekhar <vsekhar@google.com>, Ivy Choi <ivyc@google.com>, Ben Goodger <beng@google.com>
Cc: Anil Sabharwal <anilsa@google.com>

Privileged and confidential

FYI, here's the Ads team version of the note I sent out earlier.

----- Forwarded message -----

From: Struan Robertson <struan@google.com>
Date: Thu, Mar 21, 2019 at 12:54 PM
Subject: Re: Follow up from Sundar meeting
To: Chetna Bindra <cbindra@google.com>, Jack Chen <jlchen@google.com>
Cc: Jerry Dischler <jdischler@google.com>, Suresh Kumar <sureshkm@google.com>, Shiv Venkataraman <shivav@google.com>, Sagnik Nandy <sagnik@google.com>, Anurag Agarwal <anuragag@google.com>, Darin Fisher <darin@google.com>, Anil Sabharwal <anilsa@google.com>, Ben Galbraith <bgalbs@google.com>, Brad Bender <bradbender@google.com>

+Jack Chen

On Thu, Mar 21, 2019 at 12:37 PM Chetna Bindra <cbindra@google.com> wrote:
 Privileged and confidential

All,

Thanks for all the collaboration leading up to the Sundar meeting. Overall we had a positive meeting with Sundar, landing on approval for our recommendation in the deck. He acknowledged the complexity of this space and expressed his gratitude on the progress we've made given the complex topic. He specifically said that we do not need to come back for a review, but he would review comms in the lead up to I/O.

Key takeaways

- Totally agreed with the strategic value of balancing both ecosystem health and privacy
- Overall comfortable with not removing 3P cookies, but wanted to focus on how Chrome is helping users with 3P cookie concerns (i.e., "3P cookies" have become a strong industry narrative that we can't ignore or wait years to address). He was supportive of our plans to address these issues largely with opt-in controls that we should make sure are incorporated as part of our messaging at I/O.
- Overall approval of plan on data disclosures, Ads Privacy center, [REDACTED] controls - 3P / Incognito controls
- Focus on messaging by I/O. Ensure it covers the entire proposal - data disclosures, Ads privacy center, Chrome controls, data retention within Chrome and Ads. A lot of enthusiasm for [REDACTED] and encouragement to dovetail with the broader Google Incognito narrative if we're ready.
 - (A tactical AI was given to the Chrome team to dovetail with a broader data retention initiative.)
- Comfortable with reactive messaging on saying that Apples 3P cookies removal hasn't done enough, and 3P tracking continues
 - Sundar drove the point in the meeting (with several other examples) that if Chrome removes 3P cookies, it would create a very disruptive situation for publishers, and is keen to support overall ecosystem health. He acknowledged that Apple and Google are optimizing for different things.
- He firmly expressed a desire for both Chrome and Ads to get out in public with a narrative ASAP. He felt that silence in the market was no longer an option, and alignment that I/O was the right initial moment, followed by GML
- Eventual enforcement seemed to be a punted question

Key AIs / Next Steps

Evaluate an advisory board rather than a coalition, and learn from the AI advisory board

Plug in with the I/O and GML team for messaging

Best,

Chetna (on behalf of the team)

Struan Robertson | Director, Legal | struan@google.com | 650-713-7613

This email may be confidential or privileged. If you received this communication by mistake, please don't forward it to anyone else, please erase all copies and attachments, and please let me know that it went to the wrong person. Thanks.

--
-mike

PRODBEG: GOOG-CABR-05126022
PRODBEGATT:
PRODEND: GOOG-CABR-05126023
PRODENDATT:
PRODVOL: CROSS-PROD040
2nd_CROSS_BEGBATES:
2nd_CROSS_ENDBATES:
AllCustodians: AbdelKarim Mardini;Jochen Eisinger;Michael Kleber
TO: abdelkarim mardini <ardini@google.com>;mike west <mkwst@google.com>
FROM: jochen eisinger <eisinger@google.com>
CC: rick byers <rbyers@google.com>;rory mccllland <rorymccllland@google.com>;v-
ivek sekhar <vsekhar@google.com>;michael kleber <kleber@google.co-
m>;alex nicolaou <anicolao@google.com>
BCC:
CONFIDENTIALITY: CONFIDENTIAL
CROSS_ALLCUSTODIANS:
CROSS_ATTACHMENTNAME:
CROSS_BEGATTACH:
CROSS_BEGBATES:
CROSS_CC:
CROSS_CONFIDENTIALITY:
CROSS_CUSTODIAN:
CROSS_DATECREATED:
CROSS_DATEMOD:
CROSS_DATERECEIVED:
CROSS_DATESENT:
CROSS_DE-DUPED CUSTODIANS:
CROSS_ENDATTACH:
CROSS_ENDBATES:
CROSS_FILEEXTENSION:
CROSS_FILENAME:
CROSS_FROM:
CROSS_MD5 HASH:
CROSS_MESSAGE ID:
CROSS_OWNER:
CROSS_PRODVAL:
CROSS_REDACTED:
CROSS_SUBJECT:
CROSS_TITLE:
CROSS_TO:
CUSTODIAN/SOURCE: Jochen Eisinger
DATECREATED:
DATELASTMOD: 03/22/2019
DATERCVD:
DATESENT: 03/22/2019
DeDupedCustodians: AbdelKarim Mardini;Jochen Eisinger;Michael Kleber
DOEXT: eml
FILENAME:
ILS_ProdDate: 11/16/2021
CROSS_ILS_ProdDate:
MD5 HASH: F6FC608ED7B72A89127B91EDB7389275
MessageID: <CALjhuif8vTn2fOodWC687BO9Cp0PwRNCTFCLiEU1CYHttKkwXQ@mail.gmail.com>
NATIVEFILE:
Owner: eisinger
PAGES: 2

REDACTED: N

SUBJECT: Re: Follow up from Sundar meeting

Mao Declaration

Exhibit 57

Sealed Entirely

GOOG-CABR-05269357.RR

Mao Declaration

Exhibit 58

Redacted Version of Document
Sought to Be Sealed

GOOG-BRWN-00418249

From: Sabine Borsay <sabineb@google.com>
To: Adrienne Porter Felt <felt@google.com>
Subject: Re: [REDACTED] Google "Incognito" Precision
Cc: Ben Wells <benwells@google.com>, Joel Weinberger <jww@google.com>, Alex Ainslie <ainslie@google.com>, [REDACTED] (core members)" [REDACTED]@google.com>, Maximilian Walker <maxwalker@google.com>

The [REDACTED] (Allo) team is aware of the fact that end-to-end encryption is the opposite privacy feature of what Chrome's Incognito mode provides. At least their feature will *also* clear traces locally on the device which basically is the "baseline" that Incognito mode provides, and then each product has its own specific implementation. We did share our concerns with them in-depth, and also all user research we've done over the last 2 years. It was a Sundar level decision.
The reasoning is basically to elevate the Incognito brand to a more Google-wide brand that offers privacy features within a given product, following the product's specific circumstances and limitations. They say that if we'd design this from scratch today, we'd also probably create a high-level Google privacy brand (Incognito) and then each specific implementation (in Allo, in Chrome, in whatever other products) is just different in their implementations based on the technical circumstances of the given product. I must say I understand the reasoning behind the decision.

On 18 May 2016 at 17:47, Adrienne Porter Felt <felt@google.com> wrote:

Although they both mean "private," they are completely different definitions of "private."
One means encryption such that your messages are hidden from both MITM and Google; the other means clearing your history, and both MITM and Google can see content on various services.

We could change Chrome's definition of "Incognito" to also include "e2e encryption" and go crazy wolf on http-bad. :)

On Wed, May 18, 2016 at 5:43 PM, Ben Wells <benwells@google.com> wrote:

I'm going to play devil's advocate. Isn't it better to have a small number of brand's / concepts that users need to grapple with?
Technically there are significant differences between allo-incognito and chrome-incognito, but from the users point of view they are very similar - they are both ways to make your activity private, for some definition of private.

If Allo has a web client things could get really ugly though...

On Thu, May 19, 2016 at 10:15 AM Joel Weinberger <jww@google.com> wrote:

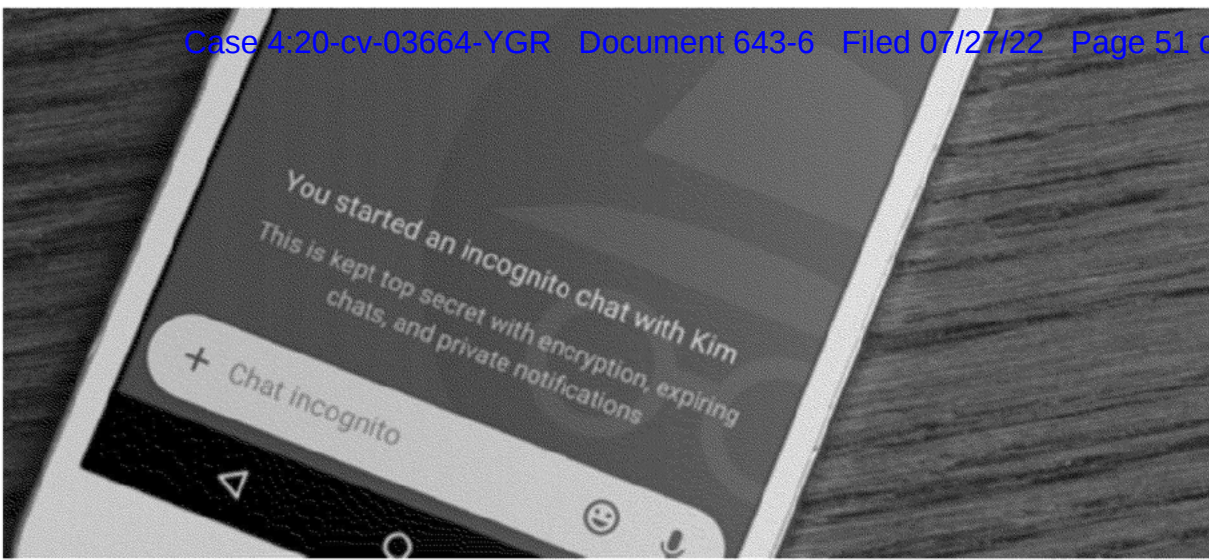
As Adrienne says, I can only see this as leading to confusion. If anything, I think this would be a great opportunity for Chrome to abandon the Incognito "brand."

On Wed, May 18, 2016 at 4:56 PM Adrienne Porter Felt <felt@google.com> wrote:

I think it's extremely disappointing that "Incognito" was used for another prominent Google feature that, unlike Chrome's Incognito mode, offers e2e encryption. I expect it will lead to confusion.

On Wed, May 18, 2016 at 4:51 PM, Alex Ainslie <ainslie@google.com> wrote:

Errr. Should the Allo Incognito mode announcements today change anything about how we describe Chrome's Incognito mode ... (or do they give us an opportunity change some of those properties?).



"We're excited to partner with Google on the private communication features of their new smart messaging app, Allo. We've been collaborating together on the integration of Signal Protocol into Allo, which will bring all of Signal Protocol's strong encryption properties to Allo's incognito mode."

<https://whispersystems.org/blog/allo/>

A

--

You received this message because you are subscribed to the Google Groups [REDACTED] (core members)" group. To unsubscribe from this group and stop receiving emails from it, send an email to [REDACTED]+unsubscribe@google.com.

To post to this group, send email to [REDACTED]@google.com.

--

You received this message because you are subscribed to the Google Groups [REDACTED] (core members)" group. To unsubscribe from this group and stop receiving emails from it, send an email to [REDACTED]+unsubscribe@google.com.

To post to this group, send email to [REDACTED]s@google.com.

--

You received this message because you are subscribed to the Google Groups [REDACTED] (core members)" group. To unsubscribe from this group and stop receiving emails from it, send an email to [REDACTED]+unsubscribe@google.com.

To post to this group, send email to [REDACTED]@google.com.

--

Sabine Borsay | Product Manager | sabineb@google.com | +491726757387

PRODBEG: GOOG-BRWN-00418249
PRODBEGATT: GOOG-BRWN-00418249
PRODEND: GOOG-BRWN-00418250
PRODENDATT: GOOG-BRWN-00418251
PRODVOL: PROD029
2nd_CROSS_BEGBATES:
2nd_CROSS_ENDBATES:
AllCustodians: Sabine Borsay
TO: adrienne porter felt <felt@google.com>
FROM: sabine borsay <sabineb@google.com>
CC: alex ainslie <ainslie@google.com>;ben wells <benwells@google.com>;[REDACTED] (c-
ore members)" [REDACTED]@google.com>;joel weinberger <jww@google-
.com>;maximilian walker <maxwalker@google.com>
BCC:
CONFIDENTIALITY: Confidential
CROSS_ALLCUSTODIANS: Sabine Borsay
CROSS_ATTACHMENTNAME: image.png
CROSS_BEGATTACH: GOOG-CABR-00353828
CROSS_BEGBATES: GOOG-CABR-00353828
CROSS_CC: alex ainslie <ainslie@google.com>;ben wells <benwells@google.com>;[REDACTED]
[REDACTED] (core members)" <[REDACTED]@google.com>;joel weinberger <jww@-
google.com>;maximilian walker <maxwalker@google.com>
CROSS_CONFIDENTIALITY: CONFIDENTIAL
CROSS_CUSTODIAN: Sabine Borsay
CROSS_DATECREATED:
CROSS_DATEMOD: 05/19/2016
CROSS_DATERECEIVED: 05/19/2016
CROSS_DATESENT: 05/19/2016
CROSS_DE-DUPED CUSTODIANS: Sabine Borsay
CROSS_ENDATTACH: GOOG-CABR-00353830
CROSS_ENDBATES: GOOG-CABR-00353829
CROSS_FILEEXTENSION: eml
CROSS_FILENAME:
CROSS_FROM: sabine borsay <sabineb@google.com>
CROSS_MD5 HASH: 012F18A5A9AA2DD78EA2B44155E50155
CROSS_MESSAGE ID:
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l.com>
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CROSS_PRODVAL: CROSS-PROD002
CROSS_REDACTED: N
CROSS_SUBJECT: Re: [REDACTED] Google "Incognito" Precision
CROSS_TITLE: Re: [REDACTED] Google "Incognito" Precision
CROSS_TO: adrienne porter felt <felt@google.com>
CUSTODIAN/SOURCE: Sabine Borsay
DATECREATED:
DATELASTMOD: 05/19/2016
DATERCVD:
DATESENT:
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DOEXT:
FILENAME:
ILS_ProdDate: 07/16/2021
CROSS_ILS_ProdDate: 09/01/2021
MD5 HASH: 012F18A5A9AA2DD78EA2B44155E50155

MessageID:
NATIVEFILE:
Owner: sabineb
PAGES:
REDACTED: N
SUBJECT: Re: [REDACTED] Google "Incognito" Precision

Mao Declaration

Exhibit 59

Redacted Version of Document
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GOOG-BRWN-00167337

Message

From: Sabine Borsay [sabineb@google.com]
Sent: 6/22/2016 7:43:30 AM
To: Stephan Somogyi [somogyi@google.com]
CC: Chris Palmer [palmer@google.com]; Lucas Garron [lgarron@google.com]; Emily Schechter [emilyschechter@google.com]; Aaron Stein [steina@google.com]; Alex Ainslie [ainslie@google.com]; Wieland Holfelder [holfelder@google.com]; Mark Larson [mal@google.com]; Parisa Tabriz [parisa@google.com]; Ben Wells [benwells@google.com]; * Varun Khaneja [vakh@google.com]; Adrienne Porter Felt [felt@google.com]; Joel Weinberger [jww@google.com]; [REDACTED] (core members) [REDACTED]@google.com; Maximilian Walker [maxwalker@google.com]; Chrome Privacy Muc [chrome-privacy-muc@google.com]; Dominic Battre [battre@google.com]
Subject: Re: [REDACTED] Google "Incognito" Precision

Since Gmail collapses repeated text, parts of the quote were collapsed. So, here you go again:

The Allo team is aware of the fact that end-to-end encryption is the opposite privacy feature of what Chrome's Incognito mode provides. At least their feature will also clear traces locally on the device which basically is the "baseline" that Incognito mode provides, and then each product has its own specific implementation. We did share our concerns with them in-depth, and also all user research we've done over the last 2 years. It was a Sundar level decision.

The reasoning is basically to elevate the Incognito brand to a more Google-wide brand that offers privacy features within a given product, following the product's specific circumstances and limitations. They say that if we'd design this from scratch today, we'd also probably create a high-level Google privacy brand (Incognito) and then each specific implementation (in Allo, in Chrome, in whatever other products) is just different in their implementations based on the technical circumstances of the given product. I must say I understand the reasoning behind the decision.

Best,
 Sabine

On 22 June 2016 at 09:40, Sabine Borsay <sabineb@google.com> wrote:

Yep, we (folks like Dominic, Chelsea, Tyler, and they also talked with Rahul) had a few of meetings with them in which we shared our concerns in-depth, the background of our concerns, our user research, etc. One meeting was after their first Sundar meeting in which he brought up the idea to call Allo's privacy feature Incognito mode, and another one after their second Sundar meeting in which they decided to go with it.

Since this email thread is so long, I'm pasting in here my comment from above:

The Allo team is aware of the fact that end-to-end encryption is the opposite privacy feature of what Chrome's Incognito mode provides. At least their feature will also clear traces locally on the device which basically is the "baseline" that Incognito mode provides, and then each product has its own specific implementation. We did share our concerns with them in-depth, and also all user research we've done over the last 2 years. It was a Sundar level decision.

The reasoning is basically to elevate the Incognito brand to a more Google-wide brand that offers privacy features within a given product, following the product's specific circumstances and limitations. They say that if we'd design this from scratch today, we'd also probably create a high-level Google privacy brand (Incognito) and then each specific implementation (in Allo, in Chrome, in whatever other products) is just different in their implementations based on the technical circumstances of the given product. I must say I understand the reasoning behind the decision.

On 22 June 2016 at 01:24, Stephan Somogyi <somogyi@google.com> wrote:

At the risk of creating even more dissonance, has anyone from our end asked the Allo folks if they're willing to NOT use "incognito" for their e2e mode?

On Tue, Jun 21, 2016 at 1:47 PM, Chris Palmer <palmer@google.com> wrote:

I've already made my case (for 5 years now), and so won't bore you with a meeting. :) But please note that nothing will be more scannable than the name and the icon, both of which are a poor fit for what the feature actually provides.

On Tue, Jun 21, 2016 at 1:40 PM, Sabine Borsay <sabineb@google.com> wrote:

I've stated this already on a related thread -- Eric Schmidt's exact statement was written in our Security & Privacy one-pager comms doc. So he most likely didn't go through a thought process concluding that misinterpretation about how Chrome Incognito works, but just learned the points from comms doc. Over the last couple of years, we've run numerous user studies on user perception and expectation and while some users do have some misconceptions, it seems less widespread than you assume. But stay tuned, we're working on a redesign of the Incognito NTP with two main goals: 1.) better scannability of the content around what it does offer and what it doesn't, 2.) illustrating the use case it does support. The reason why I mentioned that our messaging is pretty clear was to highlight that the only proactive comms I could imagine would be to explicitly call out the differences between Allo's and Chrome's Incognito mode. Again, if Chrome Security team wants to post something on the Chrome Security FAQs, we can draft something together with PR. Let me know.

I don't think we should abandon the Incognito mode brand because of the Allo launch. Happy to discuss more in a meeting.

On 21 June 2016 at 22:34, Lucas Garron <lgarron@google.com> wrote:

On Tue, Jun 21, 2016 at 1:21 PM Chris Palmer <palmer@google.com> wrote:

Although our Incognito messaging is clear, people (everyone from internet randos to bug reporters to Eric Schmidt)

Although it feels like I'm just piling on to Chris's comments, I think this cannot be understated.

Even Eric Schmidt couldn't even keep the core meaning of Incognito straight **when it only meant one thing**.

generally haven't understood it. So it's not clear enough. I suspect the confusion arises due to the tension inherent between <https://www.chromium.org/Home/chromium-security/security-faq#TOC-Why-aren-t-physically-local-attacks-in-Chrome-s-threat-model-> and what Incognito offers.

And although we and they have clear messages, Allo effectively ruined the clarity of our message by using our name for a thing that is very different from our thing.

We should proactively communicate about this. But we should also abandon the Incognito name, and change Incognito to "Temporary Mode" or whatever else you like. Allo's definition of the term is much stronger and makes much more sense.

I don't know how proactive we should be, but we should definitely have good answers ready about the distinction, and the decision to use the same name.

(And/or use this as a chance to rebrand Incognito in Chrome, which has always been an over-reaching name. But that won't be as easy, and sounds like it is counter to our lofty branding desires.)

On Tue, Jun 21, 2016 at 12:49 PM, Sabine Borsay <sabineb@google.com> wrote:

Happy to work with PR on comms for this. Though I was not planning to do proactive comms about the distinction to Allo's Incognito mode, since we're already pretty clear in our external comms (Help Center, Incognito NTP, etc.) about what Chrome Incognito does offer and what it does not offer. And our agreement with the Allo team was that they're clear about the functionality of their feature as well. Do I understand it correctly that the Chrome Security team however want to publish proactive comms around this? If so, I'm happy to collaborate on the draft. Let me know!

On 10 June 2016 at 01:45, Emily Schechter <emilyschechter@google.com> wrote:
+ steina and somogyi from the Security PR perspective

Do you know who the right folks are to work with here?

On Thu, Jun 9, 2016 at 3:57 PM, Lucas Garron <lgarron@google.com> wrote:
*volatile and isolated from regular profiles

Higher-level folks, are we allowed to put something like this on the security FAQ? Do we need sign-off from anyone, and how would we get it?

On Thu, Jun 9, 2016 at 3:52 PM Chris Palmer <palmer@google.com> wrote:
On Thu, Jun 9, 2016 at 3:40 PM, Lucas Garron <lgarron@google.com> wrote:

Should we add something to the Chrome Security FAQ?

I'm afraid the only correct thing we can say is "Incognito in Chrome has no technical relation to Incognito in Allo. They both give you better privacy than their respective regular modes, relative to the pragmatic threat models we have selected."

How about:

"Although Allo and Chrome both have features that go by the same name and use the same logo, they are designed to support very different threat models and use-cases. Allo's Incognito mode employs end to end encryption, which is an additional layer of encryption for messages above and beyond the TLS Allo uses for transport. Chrome's Incognito mode is designed only to ensure that local browser state is volatile, and makes no further guarantees of confidentiality (such as confidentiality from 3rd parties or of network traffic)."

--

You received this message because you are subscribed to the Google Groups "[REDACTED] (core members)" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [\[REDACTED\]+unsubscribe@google.com](mailto:[REDACTED]+unsubscribe@google.com).

To post to this group, send email to [\[REDACTED\]@google.com](mailto:[REDACTED]@google.com).

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		sabineb@google.com
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PRODBEGATT:
PRODEND: GOOG-BRWN-00167340
PRODENDATT:
PRODVOL: PROD023
2nd_CROSS_BEGBATES:
2nd_CROSS_ENDBATES:
AllCustodians: Sabine Borsay
TO: stephan somogyi <somogyi@google.com>
FROM: sabine borsay <sabineb@google.com>
CC: emily schechter <emilyschechter@google.com>; aaron stein <steina@google.com>;-
joel weinberger <jww@google.com>; maximilian walker <maxwalker@goo-
gle.com>; lucas garron <lgarron@google.com>; mark larson <mal@googl-
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khaneja <vakh@google.com>; wieland holfelder <holfelder@google.co-
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privacy-muc@google.com>; adrienne porter felt <felt@google.com>
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CROSS_ATTACHMENTNAME:
CROSS_BEGATTACH:
CROSS_BEGBATES: GOOG-CABR-00149435
CROSS_CC: emily schechter <emilyschechter@google.com>; aaron stein <steina@google-
.com>; joel weinberger <jww@google.com>; maximilian walker <maxwalk-
er@google.com>; lucas garron <lgarron@google.com>; mark larson <mal-
@google.com>; parisa tabriz <parisa@google.com>; alex ainslie <ains-
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mer@google.com>; "enamel (core members)" [REDACTED] @google.com>; ☆-
varun khaneja <vakh@google.com>; wieland holfelder <holfelder@goo-
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CROSS_DATESENT: 06/22/2016
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l.com>
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CROSS_SUBJECT: Re: [REDACTED] Google "Incognito" Precision
CROSS_TITLE: Re: [REDACTED] Google "Incognito" Precision

CROSS_TO: stephan somogyi <somogyi@google.com>
CUSTODIAN/SOURCE: Sabine Borsay
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Owner: sabineb
PAGES:
REDACTED: N
SUBJECT: Re: [REDACTED] Google "Incognito" Precision

Mao Declaration

Exhibit 60

Redacted Version of Document
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GOOG-CABR-05603788

Message

From: Michael Kleber [kleber@google.com]
Sent: 3/22/2019 2:06:17 PM
To: Jochen Eisinger [eisinger@google.com]; Brad Lassey [lassey@google.com]
CC: Mike West [mkwst@google.com]; AbdelKarim Mardini [mardini@google.com]; Alex Nicolaou [anicolao@google.com]; Anil Sabharwal [anilsa@google.com]; Ben Galbraith [bgalbs@google.com]; Ben Goodger [beng@google.com]; Darin Fisher [darin@google.com]; Ivy Choi [ivyc@google.com]; Jack Chen [jlchen@google.com]; Margret Schmidt [margrets@google.com]; Parisa Tabriz [parisa@google.com]; Rick Byers [rbyers@google.com]; Rory McClelland [rorymcclelland@google.com]; Vivek Sekhar [vsekhar@google.com]
Subject: Re: Update on Sundar [REDACTED] review

+Brad Lassey

On Fri, Mar 22, 2019 at 3:43 AM Jochen Eisinger <eisinger@google.com> wrote:
 +AbdelKarim Mardini

On Fri, Mar 22, 2019 at 6:12 AM Mike West <mkwst@google.com> wrote:
 +Jochen, Rory

On Fri 22. Mar 2019 at 05:58, Alex Nicolaou <anicolao@google.com> wrote:
 [+kleber, rbyers, mkwst]

On Thu, Mar 21, 2019 at 4:29 PM Ben Galbraith <bgalbs@google.com> wrote:
 Hi gang,

Good meeting w/ Sundar today. Quick takeaways, more formal debrief to follow in an already-scheduled meeting:

- Overall, Sundar showed a great deal of savvy about the nuance of the space, and was very appreciative of our efforts. He acknowledged that our position is a hard one, and shared his desire for us to get out in public with our own narrative ASAP.

- He agreed that we should be investing in the aggressive, browser-brokered, privacy-preserving API work, but he felt that it would take a long time to bear fruit, and agreed that we should field a shorter-term roadmap in parallel

- He liked the elements of the plan we presented:

- a. Ads metadata with associated user controls
- b. The 1P / 3P cookie space split with user opt-in controls to clear 3P state
- c. Providing privacy-conscious users with transparency and control over tracking state
- d. Adding opt-in anti-tracking / privacy controls with the theme of [REDACTED] Sundar was particularly excited about this and felt it could be a very powerful component of the narrative

- There was some discussion about whether we should block 3P cookies because it was becoming a de facto expectation of a modern browser. Sundar led the discussion on the topic, and ultimately trusted us to game it out properly, but encouraged us to not underestimate how much the specific mechanism of 3P cookies had become part of the public narrative and to look for ways to defuse that concern, balancing simplicity and nuance appropriately.

Look forward to going into deeper detail when we meet.

On a personal note, today marked an important milestone in 8+ months of intense work from so many people across Chrome and Ads. *Thank you* to everyone on this thread, and please convey that to so many on your teams who have helped.

This is obviously just one more step in a long journey. There are lots of details to flesh out on all of these tracks.

To the Browser leads and teams, thank you for being flexible as the scope of this update expanded to represent some of your ideas and plans, and I look forward to working closely w/ you as you develop them further.

Best...

Ben

--
-mike

--
Forewarned is worth an octopus in the bush.

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2nd_CROSS_ENDBATES:
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FROM: michael kleber <kleber@google.com>
CC: margret schmidt <margrets@google.com>;darin fisher <darin@google.com>;rick b-
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CROSS_DATESENT:
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DOEXT: eml
FILENAME:
ILS_ProdDate: 01/07/2022
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NATIVEFILE:

Owner: kleber

PAGES: 2

REDACTED: N

SUBJECT: Re: Update on Sundar [REDACTED] review